IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 587 OF 2005

IN

SUIT **NO. 1142 OF 2000**

Shivai Seva Sangh & Anr. ..Appellants.

Versus

Brihanmumbai Municipal Corporation ..Respondent.

Shri D.S. Sawant for the Appellants.

Shri J.J. Xavier for the Respondent.

CORAM : D. G. DESHPANDE,J.

DATE : 22nd JUNE, 2005

P.C. :

. Heard Advocate for the Appellants. The suit filed for permission of two milk stalls, has been dismissed. One of the stalls has been already demolished by the BMC. Therefore, only one stall remains. The permission came to be revoked on account of change of user and increase of size of the stalls. The Appellant No.2, who is the Secretary of Appellant No.1, is present in the court and he is ready to give undertaking to the BMC in writing within one week of this order, that henceforth, they will be doing the

business of the Milk and Milk products only, as per the permission granted to them. The BMC will accept the said undertaking and allow the said business to be run in the said premises. If according to the BMC, the appellant has increased the size of the stall, the officers of the BMC will visit the site and make measurement in the presence of the appellant and reduce it to its original size, for which the permission was granted.

. If the Appellants do not give undertaking within one week, this order will stand vacated.

. C.c. expedited.

22.06.2005 (D.G. DESHPANDE,J.)

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